

Re Section V

1. Cited Documents

Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN Vol. 2003, No. 03, 5. May
2003 (05-05-2003) & JP 2002 328098 A (FUJI PHOTO
FILM CO LTD), 15. November 2002 (11-15-2002)
- D2: DE 44 07 547 A1 (D. SWAROVSKI & CO., WATTENS, AT)
21. September 1995 (09-21-1995)
- D3: PATENT ABSTRACTS OF JAPAN Vol. 1995, No. 06, 31.
July 1995 (07-31-1995) & JP 07 076167 A (MIYACHI
TECHNOS KK), 20. March 1995 (03-20-1995)
- D4: EP-A-0 743 128 (NAICOTEC GMBH) 20. November 1996
(11-20-1996)

2. Novelty and inventive step (Article 33 (2) (3) PCT)

Claim 1:

For the following reasons, Claim 1 does not appear to
satisfy the requirements of PCT Art. 33 (3) with regard
to inventive step:

D1 discloses a method for testing the detectability of at
least one flaw in a component, the method including the
following steps:

- generating an electronic specification of the flaw,
which includes a two-dimensional or three-
dimensional point pattern (implicit in the abstract
since the shape of the flaw is predefined; D1),
- manufacturing a test specimen,
where for each point of the point pattern, a
microcrack in the test specimen is generated at the
position of this point (abstract, D1),

- recording in evaluating the inspection signals of the test specimen (abstract, D1).

Claim 1 differs from D1 in that the inspection is carried out with the aid of ultrasonics.

One skilled in the art, confronted with the problem of manufacturing a test specimen for ultrasonic inspections, would know that ultrasonic waves follow physical laws analogous to those of electromagnetic waves, and he would therefore use the test specimen from D1 for evaluating ultrasonic signals of the flaw of the test specimen, as well. Consequently, he would arrive at the subject matter of Claim 1 without an inventive step.

For this reason, Claim 1 is not inventive.

Claim 9:

The above-mentioned objections to Claim 1 also appear to be applicable to corresponding device Claim 9, *mutatis mutandis*.

For this reason, Claim 9 is also not inventive.

Claim 13:

D1 discloses a test specimen suitable for the calibration of an ultrasonic testing system for testing a component or for evaluating ultrasonic signals of a flaw, characterized in that the test specimen includes microcracks, whose positions are predefined by an electronic specification containing a two-dimensional or three-dimensional point pattern that corresponds to the flaw.

For this reason, Claim 13 is not novel.

The same objections to the novelty of Claim 13 may also be raised on the basis of documents D2, D3, and D4.

Dependent Claims:

Dependent Claims 2, 4, 5, 7, 8, 11, 12, and 14-17 do not appear to contain any features which, in combination with Claim 1, satisfy the requirements of the PCT with regard to novelty and inventive step. These claims describe features, which are known or obvious from either D1 or D2:

Claims 2, 11: see abstract, D1.

Claims 4, 15: see abstract, D2.

Claims 5, 16: see Claim 3, D2.

Claim 7: conventional feature.

Claims 8, 12: allowable if the claims, to which Claims 8 and 12 refer, are allowable.

Claims 14-17: see section 3.

3. Clarity (Article 6 PCT)

In independent Claim 13, the test specimen is defined by the manner in which it is manufactured. However, a device can only be defined by device features. Therefore, Claim 13 is unclear.

In addition, any test specimen, which has microcracks that follow a predefined point pattern, is met by the prior art (for this, see also guidelines G-C-III-4.8).

4. Miscellaneous

- a. The relevant related art disclosed in documents D1, D3, and D4 is not stated in the Specification (Rule 5.1 a ii) PCT).